

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

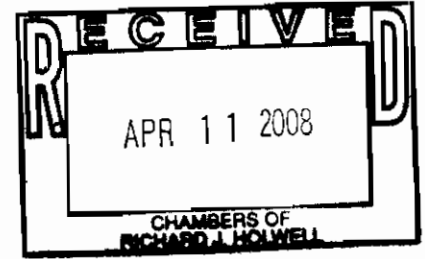
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WOLFRAM KOEPPE,

Plaintiff,

-against-

DEUTSCHE LUFTHANSA AG,

Defendant.
-----X



Civil No. 2008 Civ. 00048(RJH)

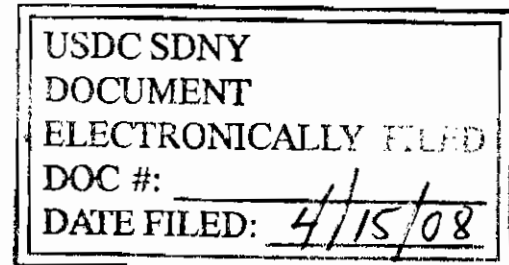
SCHEDULING ORDER ✓

1. Description of the Case

- a. Identify the attorneys of record for each party, including lead trial attorney;

William J. Fitzpatrick, Esq.
Goldberg Segalla LLP
200 Old Country Road, Suite 210
Mineola, New York 11501-4293
(516) 281-9810
Attorneys for Defendant

Noah Kushlefsky, Esq.
KREINDLER & KREINDLER LLP
100 Park Avenue
New York, New York 10017
(212) 687-8181
Attorneys for Plaintiff



- b. State the basis for federal jurisdiction;

- 28 U.S.C. §1331 - Federal Question Jurisdiction regarding

International Treaties and/or Conventions governing international air
travel.

- 28 U.S.C. §1332 - Diversity of Citizenship - Plaintiff is a resident of

the United States and Defendant is a Foreign Corporation.

- c. Briefly describe the claims asserted in the complaint and any counterclaims;
 - **Claims for personal injuries sustained during an international flight.**
 - d. State the major legal and factual issues in the case; and
 - **The application of the Montreal Convention of 1999;**
 - **Whether the plaintiff was injured in an "accident" as defined by the 1999 Convention or its predecessor international treaties;**
 - **The injuries to the plaintiff and proximate cause;**
 - **The law which applies;**
 - **Whether there was comparative fault by the plaintiff;**
 - **The plaintiff's injuries and physical condition.**
 - e. Describe the relief sought.
 - **money damages for personal injuries.**
2. Proposed Case Management Plan
- a. Identify all pending motions; - **none**
 - b. Proposed date for joinder of additional parties; - **30 days after party depositions.**
 - c. Proposed date for amendments to pleadings; - **30 days after party depositions.**
 - d. Proposed schedule for completion of discovery:
 - i. Rule 26(a)(1) disclosures, if not previously completed; - **within 14 days of execution of this Order.**
 - ii. Fact discovery completion date; - **August 1, 2008**
 - iii. Deadline for Rule 26(a)(2) disclosures; - **September 1, 2008**
 - iv. Expert discovery completion date, including dates for delivery

of expert reports; - expert reports by September 1, 2008; expert
depositions completed by September 30, 2008

- e. Deadline for filing dispositive motions; - September 1, 2008
- f. Date for filing a final pretrial order; - October 15, 2008
- g. Proposed trial schedule:
 - i. Whether a jury trial is requested; - Yes
 - ii. The probable length of trial - 3-4 days
 - iii. When the case will be ready for trial - November 15, 2008

3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge. No.

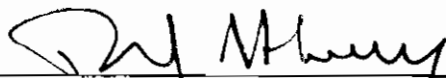
4. Status of Settlement Discussions

- a. Indicate whether any settlement discussions have occurred; No.
- b. Describe the status of any settlement discussions; a demand will be made shortly.
- c. Whether parties request a settlement conference. Yes, at the Court's discretion.

5. A status conference will be held on October 17, 2008

Dated: 4/14/08 at 11:00 AM
New York, New York

SO ORDERED



The Honorable Richard J. Holwell
UNITED STATES DISTRICT JUDGE